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12 UNITED STATES DISTRICT COURT

13 FOR NORTHERN DISTRICT OF CALIFORNIA

14 SAN JOSE DIVISION

15 JOSE FELIPE RUIZ; CARLOS AGUILAR Case No.: 08-CV-01804PVT  
16 RIVAS; MARCELINO HERNANDEZ;  
ALEJANDRO AGUILAR; RAMIRO  
17 HERNANDEZ PARRA; SALOMON GOMEZ; STIPULATION AND [ XXXXXXXXXXXXXXX  
MAURO HERNANDEZ; HERIBERTO ORDER TO DISMISS DEFENDANTS NOE  
18 PAMAZ-LUCAS; ANTONIO HERNANDEZ;  
ANTONIO GONZALES; and ALEJANDRO  
19 GONZALES,  
Plaintiffs,  
vs.  
ARMANDO VARGAS; JAVIER VARGAS;  
NOE VARGAS; EDITH R. SAUNO;  
Defendants.

24 And Related Cross-Action

1 Plaintiffs JOSE FELIPE RUIZ, CARLOS AGUILAR RIVAS, MARCELINO  
2 HERNANDEZ, ALEJANDRO AGUILAR, RAMIRO HERNANDEZ PARRA, SALOMON  
3 GOMEZ, MAURO HERNANDEZ, HERIBERTO PAMAZ-LUCAS, ANTONIO  
4 HERNANDEZ, ANTONIO GONZALES, and ALEJANDRO GONZALES and Defendants  
5 JAVIER VARGAS and NOE VARGAS through Counsel hereby stipulate as follows:

6 1. The above-mentioned parties settled their disputes at a Mandatory Settlement  
7 Conference on June 11, 2010 before the Honorable Howard Lloyd. The Plaintiffs and  
8 Defendants Noe Vargas, Javier Vargas and Edith Sauno were present at this Mandatory  
9 Settlement Conference. However, Defendant Armando Vargas was not present and did not  
10 participate in the Mandatory Settlement Conference in light of his filing for bankruptcy  
protection and the subsequent statutory stay.

11 2. At the Mandatory Settlement Conference, the Plaintiffs and Defendants Noe  
12 Vargas and Javier Vargas reached a settlement among themselves, and that settlement includes  
13 Plaintiffs dismissing their Second Amended Complaint with prejudice against Defendants Noe  
14 Vargas and Javier Vargas.

15 3.. Consequently, IT IS HEREBY STIPULATED, by and between the above-named  
16 parties only that the claims and causes of action asserted by Plaintiffs in their Second Amended  
17 Complaint against Defendants JAVIER VARGAS and NOE VARGAS in the above-captioned  
action be and hereby are dismissed with prejudice pursuant to FRCP 41(a)(2).

18 **FOR PLAINTIFFS**

19 DATED: 7/6/2010

**DAL BON & MARGAIN**

20 By: //s// Tomas E. Margain  
Tomas E. Margain

21 **FOR DEFENDANTS**  
22 **JAVIER VARGAS;**  
**NOE VARGAS**

23 DATED: 7/6/2010

**FISHMAN, LARSEN, GOLDRING  
& ZEITLER**

24 By: //s// Travis R. Stokes  
Travis R. Stokes

## ORDER

Pursuant to the above-Stipulation between the above-named parties and for good cause shown, all claims and causes of action asserted by Plaintiffs against Defendants JAVIER VARGAS and NOE VARGAS are hereby dismissed with prejudice.

**IT IS SO ORDERED that the Second Amended Complaint be dismissed with prejudice against Defendants Javier Vargas and Noe Vargas.**

DATED: July 12, 2010

Patricia V. Trumbull  
Hon. Patricia V. Trumbull  
UNITED STATES MAGISTRATE JUDGE